

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN-MODIFIED

In re:  
**Brenda Lee Carlson**

Dated: **February 13, 2013**

DEBTOR

Case No. **11-44000**

*In a joint case,  
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ **19,000.00**.
- After the date of this plan, the debtor will pay the trustee \$ **1,000.00** per **Month** for **41** months, **beginning February 2013**, for a total of \$ **41,000.00**. The minimum plan payment length is 36 or **X** 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee \_\_\_\_\_
- The debtor will pay the trustee a total of \$ **60,000.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **6,000.00**, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
<b>-NONE-</b>	\$ _____	_____	\$ _____
a. TOTAL			\$ <b>0.00</b>

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
<b>-NONE-</b>	_____

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
	<b>Debtor's Residence: Homestead Real Property located at 36090 670th Avenue, Watkins MN, Single Family Residence on 10 Acres legally described as follows:</b>

a. <b>State Bank of Eden Valley</b>	<b>The South 687.87 feet of the West 633.22 feet of the SE 1/4 of SW 1/4, Section 23 To Debtor's Residence: Homestead Real Property located at 36090 670th Avenue, Watkins MN, Single Family Residence on 10 Acres legally described as follows:</b>
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b. <b>Us Bank Home Mortgage</b>	<b>The South 687.87 feet of the West 633.22 feet of the SE 1/4 of SW 1/4, Section 23 To</b>
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6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>-NONE-</b>	\$ _____	\$ _____	_____	_____	\$ _____
a. TOTAL					\$ <b>0.00</b>

7. **CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>-NONE-</b>	\$	\$			\$	
a. TOTAL					\$	<b>0.00</b>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x	(No. of Pmnts)	=	Pmnts on Account of Claim	+ (Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
<b>Systems &amp; Services Technology</b>	\$ 20,738.36	\$ 20,738.36	5.25	1	\$ 222.37	41	\$ 23,624.26	\$ 0.00	\$		<b>23,624.26</b>
a. TOTAL										\$	<b>*23,624.26</b>

\*Paid Systems & Services Technology: \$14,507.28

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>Attorney Fees</b>	\$ 2,299.00	\$		\$	<b>*2,299.00</b>
b. <b>Internal Revenue Service</b>	\$ 1.00	\$ Pro rata	Pro rata	Pro rata	\$ 1.00
c. <b>MN Dept of Revenue</b>	\$ 1.00	\$ Pro rata	Pro rata	Pro rata	\$ 1.00
d. TOTAL				\$	<b>2,301.00</b>

\*Paid Attorney Fees: \$2,299.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>-NONE-</b>					\$	
a. TOTAL					\$	<b>0.00</b>

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **28,074.74** [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(d) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **0.00**.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **255,787.00**.
- Total estimated unsecured claims are \$ **255,787.00** [line 11(a) + line 11(b)].

12. **OTHER PROVISIONS** —

The debtor shall cooperate with the trustee in transferring her interest in CK Companies and Eden Valley Land Company, LLC to any entity willing to buy the shares assuming there will be net proceeds the trustee can disburse on the plan as a result of the sale of her shares in either corporation. The debtor shall apply any monies received for claims against CK Companies and Eden Valley Land Company, LLC or partners to the trustee for the benefit of her creditors.

Title in any secured property will vest in the debtor upon payment of the secured portion of the creditor's claim and debtor's discharge. The debtor shall receive a discharge upon completion of the scheduled plan payments or upon payment of 100% of timely filed unsecured claims, whichever occurs first. Trustee shall not pay any untimely filed general unsecured creditors (excluding taxing authorities). Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

A proof of claim may be filed by any entity that holds a claim against the debtor for taxes that become payable to a governmental unit while the case is pending limited to only the tax year for which the bankruptcy case was filed. The trustee shall pay such claim as submitted as funds are available pursuant to 11 U.S.C. Statute 1305.

The debtor shall send the Trustee each year during the Chapter 13 Plan copies of his/her federal and state income tax returns at the time they are filed. The debtor shall also promptly report to the Trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$1,200 (single debtor) or \$2,000 (joint debtor), plus any earned income credit (EIC) and any Minnesota Working Family Credit. Any remaining amounts, except tax year 2011, shall be turned over to the Chapter 13 trustee as additional plan payments.

### 13. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	6,000.00
Home Mortgage Defaults [Line 6(a)]	\$	0.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(b)]	\$	23,624.26
Priority Claims [Line 9(d)]	\$	2,301.00
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	28,074.74
<b>TOTAL [must equal Line 1(d)]</b>	<b>\$</b>	<b>60,000.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

**Wesley W. Scott 0264787**  
**Lund Kain Scott, PA**  
**13 7th Ave. S**  
**St. Cloud, MN 56301**  
**320-252-0330**  
**0264787**

Signed /s/ Brenda Lee Carlson  
**Brenda Lee Carlson**  
DEBTOR

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY: 11-44000

Brenda Lee Carlson

Debtor

Chapter 13

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Notice of Hearing and Motion, Memorandum in Support of Debtor's Motion for Post-Confirmation Modification and Modified Chapter 13 Plan was served upon all parties electronically:

U.S. Trustee  
1015 U.S. Courthouse  
300 S 4<sup>th</sup> St  
Minneapolis MN 55415

Kyle Carlson, Chapter 13 Trustee  
PO Box 519  
Barnesville MN 56514

And upon all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail:

on February 14, 2013.

Dated: February 14, 2013

LUND KAIN & SCOTT, P.A.

/e/ WESLEY W. SCOTT-#0264787  
13 7<sup>th</sup> Avenue South  
St. Cloud, MN 56301  
(320) 252-0330

APPERTS  
900 S HWY 10  
SAINT CLOUD MN 56304

BERNICKS PEPSI  
PO BOX 7457  
SAINT CLOUD MN 56302

CAPITAL ONE, N.A.  
CAPITAL ONE BANK (USA) N.A.  
PO BOX 30285  
SALT LAKE CITY UT 84130

CHARLIE ROESER  
800 FAYAL ROAD  
EVELETH MN 55734

CHARLIE ROESER  
PO BOX 85  
VIRGINIA MN 55792

CHASE  
201 N. WALNUT ST//DE1-1027  
WILMINGTON DE 19801

CITY OF EDEN VALLEY  
171 COSSAINT AVENUE WEST  
PO BOX 25  
EDEN VALLEY MN 55329

DEPARTMENT OF EMPLOYMENT  
32 MINNESOTA STREET  
SAINT PAUL MN 55101-1351

DIVERSICOM  
PO BOX 100  
MELROSE MN 56352-0100

FABER BUILDING CENTER  
PO BOX 495  
500 CENTRAL AVE S  
WATKINS MN 55389

G & K SERVICES  
1250 KUHN DRIVE  
SAINT CLOUD MN 56301

GEMB/CARE CREDIT  
950 FORRER BLVD  
KETTERING OH 45420

GEMB/SAMS CLUB DC  
GEMB FINANCE  
PO BOX 103104  
ROSWELL GA 30076

HSBC BEST BUY  
ATTN: BANKRUPTCY  
PO BOX 5263  
CAROL STREAM IL 60197

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY  
PO BOX 7346  
PHILADELPHIA PA 19114

JOHNSON BROTHERS LIQUOR  
1999 SHEPARD ROAD  
PO BOX 16328  
SAINT PAUL MN 55116-0328

KRAMER ELECTRIC  
PO BOX 337  
WATKINS MN 55389

LARSON PLUMBING  
13158 145TH ST  
WATKINS MN 55389

LUTGEN REFRIGERATION  
15969 CO RD 21  
WATKINS MN 55389

MARK J SCHULTZ  
GALLAS & SCHULTZ  
9140 WARD PARKWAY, STE 200  
KANSAS CITY MO 64114

MERCURY PAYMENT SYSTEMS  
10 BURNETT COURT SUITE 300  
DURANGO CO 81301

MN DEPT OF REVENUE  
ATTN DENISE JONES - BANKRUPTCY  
PO BOX 64447  
SAINT PAUL MN 55164

NORTH COUNTRY BUSINESS  
1112 S RAILROAD ST SE  
PO BOX 910  
BEMIDJI MN 56619-0910

NORTHERN LIGHTS FOODSERVICE  
PO BOX 1074  
FORT DODGE IA 50501

ORIN J. KIPP  
WILFORD, GESKE, & COOK, PA  
8425 SEASON PARKWAY/STE 105  
WOODBURY MN 55125-4393

PAYNESVILLE PRESS  
PO BOX 54  
PAYNESVILLE MN 56362

RANDY KRAMER  
PITCO INC.  
446 CENTRAL AVENUE N  
WATKINS MN 55389

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PITCO INC.  
WATKINS MN 55389

RANDY KRAMER  
PITCO INC.  
446 CENTRAL AVE N  
WATKINS MN 55389

STATE BANK OF EDEN VALLEY  
359 STATE STREET N  
EDEN VALLEY MN 55329

STEVEN G POTACH  
1110 TCF TOWER  
121 S 8TH ST  
MINNEAPOLIS MN 55402

SUNBURST CHEMICALS  
220 WEST 88TH STREET1  
BLOOMINGTON MN 55420

SYSCO MINNESOTA, INC  
C/O MARSO & MICHELSON, PA  
3101 IRVING AVE SOUTH  
MINNEAPOLIS MN 55408

SYSTEMS & SERVICES TECHNOLOGY  
PO BOX 3999  
4315 PICKETT ROAD  
SAINT JOSEPH MO 64503

US BANK HOME MORTGAGE  
4801 FREDERICA ST  
OWENSBORO KY 42301

US BANK/NA ND  
4325 17TH AVE S  
FARGO ND 58125

VEND LEASE COMPANY  
8100 SANDPIPER CIRCLE STE 300  
BALTIMORE MD 21236

VIKING SIGN & GRAPHICS  
424 S DAVIS AVE  
LITCHFIELD MN 55355

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

**Brenda Lee Carlson**  
Debtor(s).

**SIGNATURE DECLARATION**

Case No. 11-44000

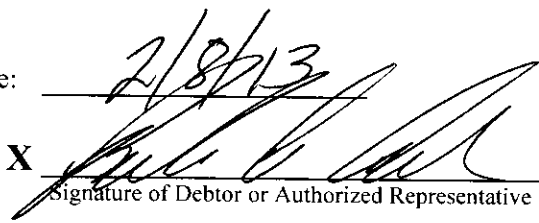
- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☒ OTHER (Please describe: MOTION TO MODIFY POST-CONFIRMATION CHAPTER 13 PLAN)

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 2/8/13

X

  
Signature of Debtor or Authorized Representative

**Brenda Lee Carlson**

Printed Name of Debtor or Authorized Representative

X

Signature of Joint Debtor

Printed Name of Joint Debtor